

In the Matter of	)	No. G 01-47
	)	
The Market Conduct Examination of	)	FINDINGS, CONCLUSIONS,
<b>New York Life Insurance Company;</b>	)	ORDER ADOPTING REPORT
<b>New York Life Insurance &amp; Annuity</b>	)	AND ORDER
<b>Corporation</b>	)	OF
		MARKET CONDUCT EXAMINATION

Foreign Insurers.

## BACKGROUND

An examination of the market conduct of **New York Life Insurance Company**, domiciled in New York, and **New York Life Insurance and Annuity Corporation**, domiciled in Delaware (the Companies) as of December 31, 1996, was conducted by examiners of the Washington Office of the Insurance Commissioner (OIC). The Companies hold a Washington certificate of authority as mutual and stock insurers, respectively. This examination was conducted in compliance with the laws and regulations of the state of Washington and in accordance with the procedures promulgated by the National Association of Insurance Commissioners and the OIC.

The examination report with the findings and instructions was transmitted to the Companies for comments on May 16, 2001. The Companies' response to the report is attached to this order only for the purpose of providing convenient review of the response.

The Commissioner or a designee has considered the report, the relevant portions of the examiners' work papers, and submissions by the Companies.

Subject to the right of the Companies to demand a hearing pursuant to Chapters 48.04 and 34.05 RCW, the Commissioner adopts the following findings, conclusions, and order.

## FINDINGS

Findings in Examination Report. The Commissioner adopts as findings the findings of the examiners as contained in pages 1 through 21 of the report.

## CONCLUSIONS

It is appropriate and in accordance with law to adopt the attached examination report as the final report of the market conduct examination of **New York Life Insurance Company**, and **New York Life Insurance and Annuity Corporation** and to order the Companies to take the actions described in the Instructions section of the report. The Commissioner acknowledges that the Companies may have implemented the Instructions prior to the date of this order. The Instructions in the report are an appropriate response to the matters found in the examination.

## ORDER

The market conduct examination report as filed, attached hereto as Exhibit A, and incorporated by reference, is hereby ADOPTED as the final examination report.

The Companies are ordered as follows, this being the Instructions contained in the examination report on page 17.

1. The Companies are instructed to respond to complaints from the OIC within 15 business days with complete documentation as required by WAC 284-30-650 and Technical Assistance Advisory T 98-4. (Report Page 12; Instruction 1, pg. 17)
2. The Companies are instructed to send to each existing insurer a timely written communication advising of the replacement or proposed replacement. This written communication shall be in accordance with WAC 284-23-455(2)(b) and shall be retained in the policy files. (Report Page 14; Instruction 2, pg. 17)
3. The Companies are instructed to comply with RCW 48.17.160(1)(2) and RCW 48.17.060 to ensure that all agents and brokers are properly licensed and appointed in the state prior to soliciting on behalf of the Companies (Report Page 16; Instruction 3, pg. 17)

IT IS FURTHER ORDERED THAT, the Company file with the Chief Market Conduct Examiner, within 90 days of the date of this order, a detailed report specifying how the Company has addressed each of the requirements of this order.

ENTERED at Olympia, Washington, this 6<sup>th</sup> day of September, 2001.

MIKE KREIDLER  
Insurance Commissioner